



COUNTY OF LOS ANGELES

CONTRACT CITIES LIABILITY TRUST FUND

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

March 2, 2005

Curtis Morris
City Council Member
Dennis Courtemarche
City Manager
Mark R. Alexander
City Manager
Margaret Finlay
City Council Member
Jerome Groomes
City Manager
Susan Dever
City Council Member
Sam Olivito
California Contract
Cities Association

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Caren Wentzel and Brandon Davis v. County of Los Angeles**
Palmdale Superior Court Case No. MC 013 112

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$170,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department Liability Trust Fund - Palmdale.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,

Curtis Morris, Chair
Los Angeles County Contract Cities
Liability Trust Fund Claims Board

CM/gs

Enclosures

MEMORANDUM

January 18, 2005

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES
LIABILITY TRUST FUND CLAIMS BOARD

FROM: Marc J. Wodin
LAW OFFICE OF MARC J. WODIN

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Caren Wentzel and Brandon Davis vs. County of Los Angeles, et al.
Palmdale Superior Court Case No. MC 013112

DATE OF
INCIDENT: March 11, 2001

AUTHORITY
REQUESTED: \$170,000

COUNTY
DEPARTMENT: Sheriff-Contract Cities Trust Fund-Palmdale

CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of
Supervisors for Approval

_____, City Council Member
MARGARET FINLAY

_____, City Council Member
SUSAN DEVER

_____, City Council Member
CURTIS MORRIS

_____, City Manager
DENNIS COURTEMARCHE

_____, City Manager
JEROME GROOMES

_____, City Manager
MARK ALEXANDER

_____, California Contract Cities Association
SAM OLIVITO

on _____, 2005

SUMMARY

This is a recommendation to settle for \$170,000, a lawsuit filed by Caren Wentzel and her five-year-old son, Brandon Davis, for injuries they sustained in an automobile accident with a Sheriff's Deputy.

LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On March 11, 2001, at approximately 6:45 p.m., a Sheriff's Deputy on patrol was driving west on Palmdale Boulevard near 3rd Street East. The Sheriff's Deputy glanced down at her Mobil Digital Terminal (MDT), and failed to notice that the cars in front of her had come to a stop. The Sheriff's Deputy rear-ended Caren Wentzel, who in turn struck a car in front of her. Caren Wentzel's son (two-years-old at the time) was a passenger in the car and was secured in his car seat.

Caren Wentzel sustained injuries to her neck, back, and right calf. She underwent chiropractic and physical therapy, and subsequently underwent a cervical discectomy.

Brandon Davis did not sustain any physical injury but is claiming emotional distress as a result of the accident.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Caren Wentzel's medical expenses	\$118,000
Caren Wentzel's loss of earnings	\$ 12,000
Caren Wentzel's pain and suffering	\$250,000
Brandon Davis's emotional distress	<u>\$ 5,000</u>
Total	<u>\$385,000</u>

The proposed settlement calls for the County to pay Caren Wentzel and Brandon Davis \$170,000 for all of their damages, costs, and attorney fees. The property damage claim for the damage to Caren Wentzel's car was previously settled for \$13,170.

STATUS OF CASE

The trial court proceeding has been suspended pending consideration of the proposed settlement.

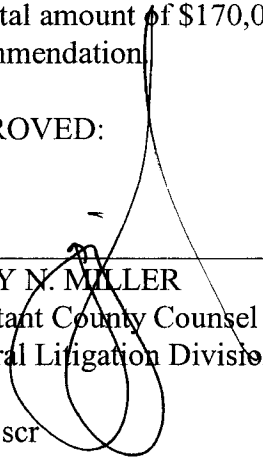
Expenses incurred by the County in defense of this action are attorney fees of \$34,855 and \$29,083 in costs.

EVALUATION

This is a case of probable liability. The traffic investigation found that the Sheriff's Deputy caused the collision. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, Marc J. Wodin, and our third party administrator, Carl Warren and Company, in recommending a settlement in the total amount of \$170,000. The Sheriff's Department concurs in this recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

RHG:scr